

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**CONSTRUCTION ENTERPRISES, INC.,)
Plaintiff,)
v.)
GEMINI INSURANCE COMPANY; ALLIED)
WORLD NATIONAL ASSURANCE)
COMPANY; EVANSTON INSURANCE)
COMPANY; OHIO CASUALTY INSURANCE)
COMPANY; COLONY INSURANCE)
COMPANY; LIBERTY INSURANCE CORP.;)
ENDURANCE AMERICAN SPECIALTY)
INSURANCE COMPANY; and SELECTIVE)
INSURANCE COMPANY OF THE)
SOUTHEAST,)
Defendants.)**

**JOINT MOTION FOR EXTENSION OF TIME TO RESPOND TO AMENDED
COMPLAINT
AND
RESCHEDULE THE AUGUST 28, 2023 INITIAL CASE MANAGEMENT
CONFERENCE**

COMES NOW, Counsel for all parties, and pursuant to and without waiving the defense applicable to service of process and without accepting service of process as to those who not yet accepted and without waiving any and all defenses related to venue and jurisdiction, hereby requests an extension to Answer or otherwise respond to the Amended Complaint (Document #10) filed on May 16, 2023. Counsel hereby requests an extension until Friday, September 1, 2023, which is 53 days after the previously extended deadline applicable at least to Gemini Insurance Company of Monday, July 10, 2023, which was 21 days after the original Answer due date of Tuesday, June 20, 2023 as to at least Gemini Insurance Company. Counsel also requests the

postponement of the August 28, 2023 Initial Case Management Conference until after September 1, 2023.

In support of this Motion, Counsel relies upon Fed. R. Civ. P. 6(b)(1)(A) and M.D. Tenn. R. 6.01 as good and sufficient authority for this request for the Court Order extending the deadline to answer or otherwise plead. As to the postponement of the Initial Case Management Conference, Counsel makes general reference to M.D. Tenn. R 16.01.

Federal Rule of Civil Procedure 6(b)(1)(A) provides that the Court may, for good cause shown, extend the time in which an act may or must be done where a party's request is made before the original time or any previously granted extension expires. M.D. Tenn. R. 6.01 states that an application for an extension of time must be in writing, state the deadline and the requested deadline, provide the reason for the extension, and that any application for such an extension must advise the Court whether the other parties have consented to such a request.

Having stated in writing the deadline and the requested deadline, Counsel states the reasons for the extension include, but are not limited to, the following: Settlement discussions among the parties to the underlying litigation were in progress and served as the basis for the first extension of time as to at least Gemini Insurance Company. At present, the settlement discussions seem to have achieved the desired result of a global settlement of all issues, and Counsel for the parties are working to reach agreement to the written terms of a Settlement Agreement and Releases of All Claims. Given the number of parties involved in the settlement of four lawsuits in four different States, the additional time is likely necessary to get the proposed Settlement Agreement and Release of All Claims executed with the hope of not having to further trouble this Court with another request.

In compliance with the rule and to determine whether anyone contends that such an extension would create a prejudice, Counsel of Record for all of the parties have been consulted and are in agreement as to this proposed extension.

APPROVED FOR ENTRY:

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CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that the foregoing pleading was electronically filed with the Clerk of Court using the CM/ECF filing system which automatically sends email notifications of such filing to the following attorneys of record:

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This 7th day of July, 2023.

s/Marc H. Harwell
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